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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Sebastian M. Csutak GROUP ART UNIT: 2818
APPLN. NO.: 09/994,182 EXAMINER: Thinh T. Nguyen
FILED: November 26, 2001
TITLE: OPTICAL DEVICE AND METHOD THEREFOR

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Signature Elaine C. Y

Printed Name of Person Signing Certificate Elaine C. Y

TERMINAL DISCLAIMER UNDER 37 C. F. R. § 1.321(b) TO OBTAIN
A DOUBLE PATENTING REJECTION BASED ON A PRIOR PATENT

Commissioner of Patents
Washington, D. C. 20231

Petitioner, Motorola, Inc., a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, is the owner of the entire interest in this application. Petitioner's title is based on an assignment from the original inventors Sebastian Csutak and Wei E. Wu to petitioner, said assignment recorded by the assignment division of the US Patent Office on November 26, 2001 on reel number 12329, frame number(s) 107-110.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. 154 to 156 and 173 of prior U.S. patent 6,633,716, as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U. S. C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C. F. R. 1.321, has all claims cancelled by a reexamination certificate, is

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reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Fee Payment

Please charge Deposit Account No. 502117 the Disclaimer fee in the amount of \$110.00 for the fee due under 37 C.F.R. §1.20(d). A Fee Transmittal sheet is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 502117.

MOTOROLA, INC. (Petitioner)

Date: Dec. 9, 2003

By: Kim-Marie Vo

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